

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IT IS SO ORDERED
s/Jack Zouhary
8/15/2012

GRAND RAPIDS BEDDING CO.,)
v.)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
VALLE FOAM INDUSTRIES, INC.,)
DOMFOAM INTERNATIONAL, INC.,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
Plaintiff,)
Defendants.)
)

COMPLAINT
JURY TRIAL DEMANDED

MDL Docket No. 2196
Case No. 3:12-pf-10011-JZ

ENGLANDER SOUTHWEST ET AL.,)
)
Plaintiffs,)
)
v.)
)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
VALLE FOAM INDUSTRIES, INC.,)
DOMFOAM INTERNATIONAL, INC.,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., BRITISH)
VITA UNLIMITED, MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
Defendants.)

**COMPLAINT
JURY TRIAL DEMANDED**

MDL Docket No. 2196
Case No. 3:12-pf-10012-JZ

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiffs Spring Air International et al., Jeffco Fibres Inc., Englander Southwest et al., Grand Rapids Bedding and Jonathan Stevens Mattress Co. (collectively, “Plaintiffs”) hereby notice the dismissal of Defendant Advanced Urethane Technologies, Inc. (“AUT”) only, without prejudice, in the above-captioned actions.

On July 9, 2012, AUT filed a Motion to Dismiss Plaintiffs’ Complaints, arguing, *inter alia*, that this Court does not have personal jurisdiction over AUT. Through several meet and confers, Plaintiffs attempted to resolve AUT’s concerns over jurisdiction through use of a tolling agreement, but the parties were unable to reach a mutually satisfactory agreement. Thus, without conceding that the Northern District of Ohio does not have personal jurisdiction over AUT, but in order to resolve this issue and thereby eliminate an issue for this Court, Plaintiffs now dismiss their Complaints against AUT without prejudice and intend to refile the Complaints in a different district in which jurisdiction is not contested. Plaintiffs will subsequently request that the Multi-District Litigation panel transfer the cases to this Court prior to trial.

Dated: August 6, 2012

Respectfully submitted,

/s/ Rachel M. Brown
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Rachel M. Brown (*pro hac vice*)
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*Attorney for Plaintiffs other than Spring Air
International et al.*

CERTIFICATE OF SERVICE

I, Rachel M. Brown, hereby certify that on August 6, 2012, a copy of foregoing document was filed electronically. Notice of this filing will be sent by the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Rachel M. Brown

Rachel M. Brown